

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Tuesday, 8:00 a.m., September 3, 2002*

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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council)

***Department of Environmental & Natural Resources: Board of Water and Natural Resources:*** (August 29, 2002) is proposing rules to identify which minimum rate criteria an entity applying for a consolidated grant must meet to be considered by the Board of Water and Natural Resources, identify the minimum water rate criteria an entity applying for Drinking Water State Revolving Fund loan must meet to qualify as a disadvantaged community, and to increase priority points for projects constructing or upgrading a water treatment plant in order to maintain compliance with the Safe Drinking Water Act. The general authority for these rules, as cited by the department, is SDCL 46A-1-60.1, 46A-1-60.2, 46A-1-60.3, and 46A-1-65.

A public hearing will be held in the Governor's Inn, 700 West Sioux Avenue, Pierre, South Dakota, on September 26, 2002, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Department of Environment and Natural Resources, Division of Financial and Technical Assistance, 523 East Capitol Avenue, Pierre, South Dakota 57501. The rules may also be found on the web site: <http://www.state.sd.us/denr/DFTA/WWFunding>. Material sent by mail must be received by 5:00 p.m. on September 25, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4216 at least 48 hours before the hearing.

***Department of Environmental & Natural Resources: Board of Water Management:*** (August 29, 2002) intends to adopt rules that require public surface water systems to meet new requirements for treatment of surface water, to require public water systems to meet new standards for disinfection by-products, to meet streamlined requirements for lead and copper, to reduce requirements related to unregulated contaminant monitoring, to meet new requirements for public notice to consumers when a violation of a drinking water standard has occurred, and to establish new criteria for performing sanitary surveys of public water systems. The general authority for these rules, as cited by the department, is SDCL 34A-3A-3 and 34A-3A-25.

A public hearing will be held in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on September 25, 2002, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota 57501 or by contacting Darron Busch at (605) 773-3754. Material sent by mail must be received by 5:00 p.m. on September 24, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3754 at least 48 hours before the hearing.

**FILINGS IN THE SECRETARY OF  
STATE'S OFFICE:**

Filed: August 29, 2002  
Effective: September 18, 2002

***Administrative Rules:***

**DEPARTMENT OF TRANSPORTATION:  
SOUTH DAKOTA AERONAUTICS  
COMMISSION:** 70:02:03:17 to 70:02:03:23,  
inclusive; 70:02:06:01 to 70:02:06:08,  
inclusive.

History-Notice: 28 SDR 181, June 24, 2002  
Hearing: July 18, 2002  
Filed: August 28, 2002  
Effective: September 17, 2002

**DEPARTMENT OF AGRICULTURE:  
ANIMAL INDUSTRY BOARD:**

12:07:05:01:01; 12:07:06, repealed; 12:07:07,  
repealed; 12:07:08:01, 12:07:08:02:01,  
12:07:08:07, 12:07:08:11; 12:07:09, repealed;  
12:07:12:02, 12:07:12:03, 12:07:12:09,  
12:07:12:11, 12:07:12:14; 12:07:13:03,  
12:07:13:05, 12:07:13:08; 12:07:14:03,  
12:07:14:05, 12:07:14:08, 12:07:14:09,  
12:07:14:13, 12:07:14:19; 12:07:17:08,  
12:07:17:09, 12:07:17:14, 12:07:17:20;  
12:07:20:04, 12:07:20:10, 12:07:20:14, and  
12:07:20:20.

History-Notice: 29 SDR 1, July 1, 2002  
Hearing: July 25, 2002

**DEPARTMENT OF SOCIAL SERVICES:  
67:18:01:66.**

History-Notice: 29 SDR 1, July 1, 2002  
Hearing: July 24, 2002  
Filed: August 29, 2002  
Effective: September 18, 2002

**DEPARTMENT OF COMMERCE AND  
REGULATION: BOARD OF  
CHIROPRACTIC EXAMINERS:**  
20:41:05:04, 20:41:05:05; 20:41:07:01,  
20:41:07:02; 20:41:09:04.01, 20:41:09:11; and  
20:41:10:05.05.

History-Notice: 28 SDR 146, April 15, 2002  
Hearing: June 7, 2002  
Filed: August 30, 2002  
Effective: September 19, 2002

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

9-4-2002	Public Utilities Commission: One-Call Notification Board	One-call notification system, requirements for facility operators, notification requirements, emergency notification, excavator requirements, response time for facility operators, vendor contract; 29 SDR 21.
9-5-2002	Labor: Division of Labor and Management	Workers' compensation fee schedule, discount for uncategorized claims, reimbursement for dental claims, billing codes and

		reimbursements for physician claims, require explanation of benefits when reduced, redefine "physical medicine," repeal in-patient treatment standards; 29 SDR 25.
9-13-2002	Education and Cultural Affairs: State Historical Society	Fiscal match not required for some grants, allow grant awards twice a year; 29 SDR 25.
9-17-2002	Commerce and Regulation: Division of Banking	Establish a limit on bank's investment in annuities; 29 SDR 25.
9-25-2002	Environment and Natural Resources: Board of Water Management	Requirements for public surface water systems, public water systems to meet standards for disinfection by-products, requirements for lead and copper, contaminant monitoring, notice of violation of drinking water standard and sanitary surveys of public water systems; 29 SDR 33.
9-26-2002	Environment and Natural Resources: Board of Water and Natural Resources	Rate criteria for application of consolidated grant, criteria for Drinking Water State Revolving Fund, and compliance with Safe Drinking Water Act; 29 SDR 33.
9-30-2002	Commerce and Regulation: Board of Social Work Examiners	Assist social workers in achieving highest level of continuing education, clarify existing rules, and allow board to recover costs associated with examination fees; 29 SDR 15.
10-2-2002	Health	Update regulations to conform to current health and safety standards in medical facilities, improve construction to reflect new Life Safety and Building code, improve dietary supervision, education, nutritional meals, safe food preparation, appeal process for CNAs; 29 SDR 29.

***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: November 20 and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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